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Letter dated 18 June 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities reflecting its position on the recommendations contained in the eighth report of the Analytical Support and Sanctions Monitoring Team (S/2008/324). I would appreciate it if the report could be circulated to the members of the Security Council and issued as a document of the Council.

(*Signed*) Jan **Grauls**
Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

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Recommendations contained in the eighth report of the Analytical Support and Sanctions Monitoring Team: position of the Committee

I. Introduction

1. The eighth report of the Analytical Support and Sanctions Monitoring Team was submitted to the Security Council Al-Qaida and Taliban sanctions Committee on 31 March 2008 in accordance with Security Council resolution 1735 (2006), annex II, paragraph (c). The report was transmitted to the Council on 13 May 2008 and subsequently issued as document S/2008/324.[1]

2. After a thorough consideration of all 34 recommendations contained in the report of the Monitoring Team, the Committee wishes to highlight to the Security Council those recommendations that it believes to be of particular relevance for the Council in its consideration of ways to strengthen the existing sanctions regime, and to convey to all Member States those recommendations that the Committee considers could be of particular benefit in their implementation efforts.[2]

II. Consolidated List

3. **Lack of identifiers.** The Committee shares the concerns expressed by the Monitoring Team regarding entries on the List that lack sufficient identifying information and expresses its determination to continue to encourage States, particularly the designating States, to submit additional identifying and other information on listed individuals and entities. The review pursuant to paragraph 6 (i) of the Committee's guidelines is viewed as a mechanism that could also assist in obtaining additional information for such entries. Furthermore, the Committee supports the recommendation that the Monitoring Team submit to the Committee, at set periods, any information on listed individuals and entities it has obtained from publicly available official sources, or with the help of United Nations agencies, such as the United Nations Assistance Mission in Afghanistan, with their agreement. In such cases, the Monitoring Team will identify the source of each piece of new information when presenting it for the Committee's approval (paras. 26 and 27).[3]

4. **Format of the Consolidated List.** The Committee agrees in principle with the recommendation that the presentation of the List could be further enhanced by improving its format. To this end, the Committee has requested the Monitoring Team to prepare a sample of a new format for the List for its consideration (para. 36).

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[1] Available at http://www.un.org/sc/committees/1267/monitoringteam.shtml.

[2] This is the sixth written report of the Committee to the Security Council on the Monitoring Team's reports. Earlier reports of the Monitoring Team and reports on the Committee's position on the recommendations can be found on the Committee's website (http://www.un.org/sc/committees/1267/index.shtml).

[3] Such references are to the relevant paragraph(s) of the eighth report of the Monitoring Team (S/2008/324).

5. **Public statements of case.** The Committee agrees in principle with the recommendation that publicly releasable statements of case, when provided by the designating State(s), could be used by the Committee to supplement information on its website in order to increase transparency. In this connection, the Secretariat has been asked, as a first step, to compile a list of submissions for listing that include such a publicly releasable portion of the statement of case. The Committee also agrees with the recommendation that Member States submit additional information for statements of case that may be published on the website in the same way as States submit additional identifying information for entries in the List. The Committee has also agreed to forward to the Security Council the recommendation suggesting that the Council urge States, when submitting names for listing, to specify portions of the statement of case that may be disclosed. At the same time, the Committee is of the view that designating States should be encouraged to identify or to submit to the Committee the publicly releasable portion(s) of the original statement of case provided for names already on the List. The Committee intends to further study all the aspects of these recommendations with a view to examining practical ways of implementing them (paras. 44 and 45).

6. **Photographs.** The Committee acknowledges that it would be useful for identification purposes to have photographs of listed individuals and make them publicly available, but believes that the proposals of the Monitoring Team in this regard require further study, with a focus on concrete modalities. The photographs of listed individuals already available on 76 INTERPOL-United Nations Security Council special notices might be useful to this end. The Committee will examine this matter further in connection with the possible review of the format of the List (paras. 30 and 65).

7. **Reportedly deceased listed individuals.** The Committee agrees in principle with the recommendation that the names of listed individuals identified as deceased should be reviewed regularly and expresses its readiness to revisit this issue, possibly during the evaluation of the review pursuant to paragraph 6 (i) of its guidelines in the third quarter of 2008 (paras. 31 and 32).

8. **Review pursuant to paragraph 6 (i) of the Committee's guidelines.** As the 2008 edition is currently in preparation, the Committee has agreed to consider the Monitoring Team's recommendations when evaluating the mechanism referred to in paragraph 6 (i) of the guidelines in the third quarter of 2008 (para. 33).

9. **Distribution of the Consolidated List.** While acknowledging its responsibility to ensure that the List and its updates are communicated to Member States in a way that allows for effective implementation of the sanctions measures and that the official communication of all updates to Member States continues to be through notes verbales, the Committee endorses the recommendation to encourage States to allow the implementation of updates based on e-mails, soft-copy notices or its website postings. To this end, and with a view to updating the e-mail list maintained by the secretariat, the Committee invites States to provide relevant e-mail addresses — of representatives in New York as well as in capitals — to the Committee's secretariat[4] in order to be immediately informed of any update to the List. To ensure that notifications of new listings are not unduly delayed, the Committee also endorses

[4] The e-mail address of the secretariat is SC-1267-Committee@un.org.

the recommendation to explore the possibility of transmitting the List to States through local United Nations offices (para. 35).

III. Implementation of the sanctions

10. **Handling requests for information from Member States.** The Committee agrees that assistance to States requesting additional information on listed individuals for identification and thus implementation purposes is important and that proper follow-up is required to make sure that the information sought is provided. In this regard, it is worth mentioning that, as a follow-up to the Monitoring Team's seventh report, the secretariat has compiled a list of all communications from States requesting additional information (para. 46).

11. **Criminal misuse of the Internet.** The Committee recognizes that the criminal misuse of the Internet to provide support for terrorism is a problem and shares the concern expressed by a number of States and by the Monitoring Team. This issue should therefore be brought to the Security Council for its consideration. The Committee agrees that the recommendation to add those media outlets and the main individuals behind them that provide Internet hosting or related services used for the support of Al-Qaida and those associated with it to the Consolidated List warrants further consideration. The Committee has taken note with interest of the issue of taking appropriate legal and practical measures to prevent the use of the Internet in ways that violate the sanctions measures (paras. 14 and 15). As far as the enforcement of the arms embargo in the virtual world is concerned, the Committee has also taken note of this issue with interest, as activities to effect the sale, supply or transfer of technical advice, assistance or training related to military activities for the benefit of those on the List, and military or paramilitary recruitment and the provision of human resources to listed entities, do take place over the Internet (para. 80).

IV. Assets freeze

12. **Scope of the assets freeze.** The Committee notes the need to further clarify the exact scope of the assets freeze in the context of the Al-Qaida and Taliban sanctions regime and that further guidance from the Security Council might be required in this regard (para. 55).

13. **Non-binding, non-exhaustive list of targeted assets.** The Committee supports the recommendation that guidance be made available to Member States and the private sector on how to freeze different kinds of assets, and on dealing with property in which the listed party has only an interest or partial ownership. While stressing that such guidance should not place any additional obligation on States, the Committee has requested the Monitoring Team to prepare, in cooperation with the Counter-Terrorism Committee Executive Directorate so as to avoid duplication, a short paper on the issue for its consideration (para. 49).

14. **Risk of swapping interests in frozen funds for goods or services.** The Committee shares the concerns expressed by the Monitoring Team that submissions for exemptions to the assets freeze pursuant to paragraphs 1 (a) and 1 (b) of resolution 1452 (2002) could carry the danger that the amounts stated are inflated

through an undisclosed arrangement between the supplier and the listed party and that in some cases goods or services are provided before the State concerned has decided whether it is appropriate to release frozen assets to pay for them. In this context, the Committee, while supporting the intended objectives of these recommendations, is of the view that no action should be decided, either by the Council or by the Committee, that would add any new obligation on States or additional requirement for the granting of humanitarian exemptions (paras. 50 and 51).

15. **Treatment of incoming funds in favour of listed parties.** The Committee endorses the recommendation that the Security Council consider widening the scope of paragraphs 2 (a) and 2 (b) of resolution 1452 (2002) to allow all incoming payments in favour of listed parties to be credited to their frozen accounts (para. 53).

16. **Use of fraudulent identities to finance terrorism.** As obtaining credit under a false identity is also a common fraud used by associates of Al-Qaida and/or the Taliban, the Committee agrees with the recommendation to encourage States to share with the private sector, to the extent possible, information on their national databases relating to stolen, lost and counterfeit identity documents and, if a listed party is found to be using a false identity, to submit any such information to the Committee (para. 59).

V. Travel ban

17. **Travel documents.** The Committee fully subscribes to the recommendation to urge States to provide, for inclusion on the List, the details of any valid travel document that may have been issued to a listed individual (para. 63). Moreover, the Committee supports the recommendation that the Council encourage States to ensure that stolen, lost, fraudulent, falsified or counterfeit travel documents are not only invalidated, but also removed from circulation when found, and returned to the appropriate authorities of the State identified as issuer (para. 72).

18. **Incorporation of changes to the Consolidated List in national databases and watch lists.** As recommended by the Monitoring Team, the Committee encourages States to ensure that their internal procedures allow for the immediate incorporation of changes to the Consolidated List in their relevant national databases and watch lists and to notify such changes to border posts as soon as practicable. At the same time, the Committee acknowledges that it remains its proper responsibility to ensure that changes are communicated to Member States in a way that allows for effective implementation of the sanctions measures (para. 64).

19. **Refusal of entry or transit and change of location of listed individuals.** The Committee endorses the recommendation to invite Member States to inform it of cases in which an individual on the List has been refused entry into or transit through their territory or when a listed individual changes location as a result of the permitted exceptions to the travel ban, such as return to State of nationality or movement in support of a judicial process, with a view to including such information on the Consolidated List. If a State is unable to include information on the List because it considers it to be confidential, such information could be included in the restricted version of the INTERPOL-United Nations Security Council special notice (para. 70).

VI. Arms embargo

20. **Scope of the arms embargo.** The Committee agrees in principle with the recommendation to seek ways to ensure that other international efforts on arms control recognize the existence of the provisions of the Al-Qaida and Taliban arms embargo. At the same time, the Committee has concluded that the recommendation requires further consideration with regard to possible action and its implementation modalities (para. 74). However, the Committee also agrees in principle that it might be appropriate to point out to Member States that improved control of the trafficking of arms by air would also strengthen the implementation and effectiveness of the arms embargo.

21. **Military training and recruitment as part of the arms embargo.** While recognizing the complexity of this issue, the Committee sees merit in the recommendations addressed to the Security Council to explicitly prohibit the provision of human resources to listed entities (para. 78) as well as to explicitly require States to prevent listed individuals and entities from having access to, establishing or maintaining military or terrorist training facilities inside their borders (para. 79).

22. **Military command and control networks and the arms embargo.** The Committee agrees with the Monitoring Team that tangible means of communications are crucial for Al-Qaida and Taliban terrorist activities and has therefore considered with interest the recommendation addressed to the Security Council to emphasize the need for States to prevent their nationals from engaging in the supply, sale, transfer or other provision of military command and control capabilities to Al-Qaida, the Taliban and their listed associates, whether through the Internet or by other means (para. 83).

VII. Cooperation with international and regional organizations

23. **Common strategy with the Counter-Terrorism Executive Directorate and the experts supporting the Committee established pursuant to resolution 1540 (2004).** The Committee endorses the recommendation that a common strategy for cooperation with international and regional organizations be developed jointly with the Counter-Terrorism Executive Directorate and the experts supporting the Committee established pursuant to resolution 1540 (2004), and requested the Monitoring Team, after discussion with the two other expert groups, as was done in respect of the common strategy on non- and late-reporting States, to outline and submit for the three Committees' consideration such a strategy (paras. 94 and 95).

VIII. Member State reporting

24. **Reports pursuant to resolution 1455 (2003).** The Committee agrees in principle with the recommendation that the Committee approach each of the remaining 38 States[5] that have yet to submit reports to the Committee pursuant to Security Council resolution 1455 (2003) with the understanding that any possible

[5] Madagascar has submitted its report since the transmission of the eighth report of the Monitoring Team.

meetings with those States or their regional or subregional groupings would take place in New York. For this purpose, the Monitoring Team was requested to prepare, for the Committee's consideration, concrete proposals for the implementation of this recommendation (para. 108).

IX. Committee's website

25. **Useful tool for the implementation of sanctions.** The Committee agrees with the recommendation that Member States be encouraged to advise their officials and relevant private sector entities of the assistance offered by the Committee's website across a range of issues related to the implementation of the sanctions measures (para. 38). The recommendations outlined below might be useful in this regard.

26. **One-page index.** The Committee supports the recommendation to advertise the changes to its website and the key documents it contains in a single-page format or as a one-page index for ease of reference by States and international and regional organizations on the basis of the proposal made by the Monitoring Team in annex II to its report (para. 112). In addition, the Monitoring Team was requested to explore, together with the Secretariat, ways of further improving the user-friendliness of the Committee's website — for example, by introducing RSS-feeds, a map of the website and an internal search function — and to submit its final proposal to the Committee for approval.

27. **Hit counter.** The Committee has requested the Monitoring Team to explore the technical modalities involved in introducing a tool to track the use of its website and ensure that it is fulfilling its intended purpose (para. 112).

X. Conclusion

28. The Committee would like to express its appreciation to the Monitoring Team for its eighth report and the valuable recommendations contained therein. In the present report to the Security Council, the Committee has highlighted some of those recommendations made by the Monitoring Team that it deems to be of particular relevance for the implementation of the sanctions regime.

29. The Committee believes that several recommendations made by the Monitoring Team merit the consideration of the Security Council in the light of its upcoming consideration of how to strengthen the sanctions regime and the expected adoption of a new resolution by the end of June 2008.

30. For its part, the Committee is committed to follow up on the recommendations that it supports. While some of these recommendations are clearly defined and can be quite quickly translated into concrete actions, others will require further conceptual development to be considered jointly with the Monitoring Team. In this regard, the Committee looks forward to receiving further input from the Monitoring Team with a view to further assisting Member States in their implementation of the measures decided by the Security Council.